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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**STIPULATED MOTION TO ALLOW
IN PART PROOF OF CLAIM FILED
BY DONALD PINSKER**

The USACM Liquidating Trust (the "USACM Trust"), by and through undersigned counsel, and Donald H. Pinsker ("Mr. Pinsker"), appearing *pro se*, hereby stipulate:

1. Mr. Pinsker filed Proof of Claim No. 10725-02423 ("POC 2423") in the amount of \$1,633,057.16.

2. The USACM Trust has filed various objections to POC 2423, some of which have been sustained.

4. On June 24, 2011, USACM Trustee, Geoffrey Berman and counsel for the USACM Trust, Rob Charles, met telephonically with Mr. Pinsker to discuss his claim.

5. Mr. Pinsker has repeatedly stated to counsel for the USACM Trust that he opposes any objections to his claim filed by the Trust.

6. Mr. Pinsker and the USACM Trust have continued to negotiate over Mr. Pinsker's claim and the USACM Trust's objections to them.

7. The Trustee does not believe that Mr. Pinsker's claims have particular merit, but has agreed to settle the dispute over POC 2423 in order to avoid incurring additional attorneys' fees, including any trial over the dispute.

8. The USACM Trust and Mr. Pinsker agree that as to POC 2423, Mr. Pinsker shall have an allowed non-priority unsecured claim equal to 15% of the unresolved claim amount. Thus, POC 2423 will be deemed allowed in the amount of **\$43,010.00**. This figure is arrived at as follows:

<u>Loan Name</u>	<u>Unresolved Claim Amount</u>
Bay Pompano Beach	\$46,000
Arapahoe Land Investments (Clear Creek)	\$75,000
Fiesta USA/Stoneridge	\$17,000
6425 Gess	\$50,000
Bundy Canyon (\$2.5 Million)	\$75,000
SVRB \$4,500,000	<u>\$23,734</u>
Total Unresolved Claim Amount	\$286,734.00

Allowed Claim Amount (15% of Total Unresolved Claim Amount): **\$43,010.00**

9. This allowed claim does not affect other claims allowed by the Court that relate to the Bundy Canyon (\$2.5 Million) Loan; Oak Shores II Loan; Amesbury Hatters Point Loan and/or any allowed claims related to unremitted principal.

10. The USACM Trust shall be authorized to make an interim distribution of 4.92% to Mr. Pinsker as his *pro rata* share of the funds reserved by the USACM Trust from the initial creditor distribution on the allowed portion of \$43,010.00. The distribution amount will be \$2,116.09.

11. This stipulation does not affect Mr. Pinsker's right to repayment from the borrowers to whom he loaned money as a direct lender or to recover from the collateral securing the loans in which he invested; and

12. This Order supersedes the prior orders of the Court that are in conflict with it.
Respectfully submitted this February 14, 2012.

LEWIS AND ROCA LLP

By/s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

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DONALD PINSKER

By /s/ Donald H. Pinsker

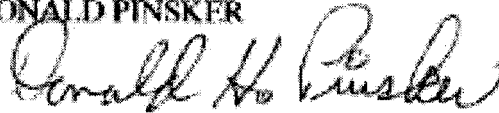
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DONALD PINSKER

A handwritten signature in cursive script, appearing to read "Donald H. Pinsker".

By /s/ Donald H. Pinsker

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